

To: Obegi, Doug[dobegi@nrdc.org]
From: Hagler, Tom
Sent: Mon 1/11/2016 10:40:49 PM
Subject: American Wildlands case

Here's what I was talking about:

American Wildlands v. Browner, 260 F.3d 1192, 52 ERC 2033, 31 ELR 20,860 (10th Cir. 2001) ("The EPA maintains that the Act does not grant it authority to regulate nonpoint sources of pollution, and therefore, it is powerless to disapprove state antidegradation review policies on the basis of how those policies deal with nonpoint source pollution.... Because the Act nowhere gives the EPA the authority to regulate nonpoint source discharges, the EPA's determination - that Montana's water quality standards exempting nonpoint source discharges from antidegradation review are consistent with the Act - is a permissible construction of the Act.")

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